XII.—PUBLIC ACCOUNTS COMMITTEE FOR THE YEAR 1930-31.

The hon. Mr. H. G. STOKES :—" Sir, I beg to move—

' *That with a view to the constitution of a Committee on Public Accounts for the year* 1930–31, *this Council do proceed, on a date to be fixed by the hon. the President, to elect seven members to be members of the said Committee.*' "

The hon. Mr. A. Y. G. CAMPBELL seconded the motion.

The motion was put and carried.

* The hon. the PRESIDENT :—" In accordance with the regulations framed under Standing Order No. 80 for the election by means of the single transferable vote, of Members of the Public Accounts Committee I fix 3 p.m. to-day as the time within which notice of nominations should be given to the Secretary.

" If the number of candidates nominated exceeds the number of vacancies, there will be an election between 2-30 p.m. and 4 p.m. to-morrow the 19th instant."

XIII.—THE FINANCE COMMITTEE FOR 1930-31.

* The hon. Mr. H. G. STOKES :—" Sir, I beg to move—

' *That in accordance with Resolution No. 2 passed at the meeting of the Legislative Council on the 8th August* 1929, *regarding the constitution of the Finance Committee, this Council do proceed, on a date to be fixed by the hon. the President, to elect eight members to be members of the Finance Committee for the year* 1930–31.'

" Sir, Members of this House may have in their recollection the passing of that resolution, which the Government have decided to accept. The effect is to add two members to be elected to the Finance Committee."

The hon. Mr. A. Y. G. CAMPBELL seconded the motion.

The motion was put and carried.

* The hon. the PRESIDENT :—" In accordance with the regulations framed under Standing Order No. 80 for the election by means of the single transferable vote, of Members of the Finance Committee I fix 3 p.m. to-day as the time within which notice of nominations should be given to the Secretary.

" If the number of candidates nominated exceeds the number of vacancies, there will be an election between 2-30 p m. and 4 p.m. on the 19th instant."

XIV.—RULE UNDER SECTION 305 OF THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920. 12 noon.

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Mr. President, Sir, I beg to move the following draft rule proposed to be made by the Local Government under section 305 of the Madras District Municipalities Act, 1920, amending rules 42 and 43 of Schedule IV to the abovementioned Act be approved ;

' (1) In clause (*e*) of the said rule 42, for the words " expenses of holding elections," the words " election expenses " shall be substituted.

[Mr. B. Muniswami Nayudu] [18th November 1930

(2) (*a*) Rule 43 shall be renumbered as sub-rule (1) of rule 43 and in the rule as so renumbered, clause (*n*) shall be re-lettered as clause (*o*) and the following shall be inserted as clause (*n*), namely :—

'(*n*) payment of the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the municipal council, and the maintenance of the election establishment.

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections.'

(*b*) To the rule as renumbered, the following sub-rule shall be added, namely :—

'(2) The Local Government shall determine every year the amount of the election expenses referred to in clause (*n*) of sub-rule (1) and their determination shall be final and binding on the municipal council. Such amount shall have priority over all other charges except charges for the service of authorized loans including the loans and advances specified in section 124-A, and the expenses specified in sub-sections (2) and (3) of section 39.'"

"Sir, the object of this amendment is to make it possible for the Government to have the elections in respect of municipal councils at an early date and to have the electoral rolls prepared in time so that the elections may be held before the 26th August 1931. Under the District Municipalities Act, as amended by the recent Act, elections have to be conducted by an authority which is described as the 'election authority' under the Act (not being the Chairman or Member of the Municipal Council) and he should be an outside authority. The Government have therefore to take steps to see that the electoral rolls are prepared and large expenditure incurred in connexion therewith so that the rolls may be ready and we can proceed with the elections as early as possible. On an examination of the Act as it is, there is a difficulty felt with regard to the reimbursement of the expenditure that has to be incurred by the Government. As matters now stand, the municipal councils have been arranging for the elections, preparing the electoral rolls and incurring the expenditure. Hereafter the expenditure has to be incurred in the first instance by the Government and later on it has to be recovered from the various local bodies concerned. The provisions of the present Act have been examined as to what extent it will allow the Government to expend in the first instance and then recover the amount. It is found that to enable the Government to recover later, the charges incurred from municipalities, these amendments in the rules are necessary.

"The first amendment is that for the words 'expenses of holding elections', the words 'election expenses' be substituted. What is sought to be done is to include not merely the expenses of holding the elections but also the

18th November 1930] [Mr. B. Muniswami Nayudu]

expenses incurred in the preparation of the electoral rolls. Therefore it is that this amendment is proposed. The second amendment makes such expenses obligatory on the part of the municipal councils and also gives power to the Local Government to distribute them after the expenses are incurred among the various municipalities.

" It also makes the Local Government the final authority in making such distribution.

" For these reasons I move the above amendments and request the House to accept them."

The hon. Mr. P. T. RAJAN seconded the motion.

* Rao Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" Sir, I wish to say a few words on this motion. I am afraid the hon. the Chief Minister has not explained—probably I have not understood him properly—the necessity for changing the words 'expenses of holding elections' into 'election expenses.' I want to know up to what stage in the elections, the expenditure incurred would be charged to municipal councils. The municipalities and other local bodies have been told that under the new Act the preparation of electoral roll and the holding of elections should all be done by an outside authority. If that outside authority were to make any irregularity and on that account if any voter or candidate is to go to court, I want to know whether expenses connected therewith also will be charged to the local bodies or to the municipal councils concerned. The original wording was 'expenses of holding elections' and this specifically refers to a certain stage, viz., up to the holding of elections. When this is changed into 'election expenses', in the event of any party going to court, by whom has the expenditure to be incurred in a case where the irregularity is committed by the outside election agency ? I hope the hon. the Chief Minister will make this point clear."

* Mr. A. RANGANATHA MUDALIYAR :—" Before the hon. Minister for Local Self-Government replies, it will be convenient if others who wish to offer their remarks are allowed to have their say. Sir, I take it that it is his anxiety to expedite the elections that has induced him to place this resolution before the House. Now, Sir, I should like to know from him when he propose to have the elections held. Is it at the end of the official year or sometime before that ? I suggest that the elections should be held as early as possible. Several works have to be done during the official year for which tenders had best be called for by the council which has to see to their execution. It will be convenient if the local bodies are brought into being early."

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" I will try to explain why it is that the first change to substitute the words 'election expenses' for the words 'expenses of holding elections' is sought to be made. The Act, as it is, contains amidst other provisions as one of the items of permissible charges the 'expenses of holding elections'. The expenses connected with the preparation of the electoral rolls and the expenses in connexion with the revision of the electoral rolls are not provided for specifically and it is to provide for them that this change is made. Then, what are meant by 'election expenses' are defined in sub-clause 2, namely, 'cost of the preparation and revision of electoral rolls, the conduct of elections to

the municipal council and the maintenance of the election establishment.' These are the three items proposed to be included. The hon. Member for Coimbatore raises the question as to who is to bear the expenses if after the elections are over proceedings are instituted contesting the validity of elections in courts. I think that question has not been examined nor do I think that comes under this. Rules will have to be framed for that. Under the circumstances I think the hon. Member for Coimbatore will see that what is included is only the cost of the preparation of the electoral rolls and the maintaining of an establishment. The hon. Member for Bellary suggested that the elections may be held as early as possible. I am entirely in agreement with him. I think it is my duty to see that these elections are brought into force as early as possible. I would not have moved this amendment if I had not felt the need and urgency for holding the elections as early as possible."

The motion was put and carried.

XV.—RULE UNDER SECTION 201 (1) OF THE MADRAS LOCAL BOARDS ACT, 1920.

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Sir, I move the following rule proposed to be made by the Local Government under sub-section (1) of section 201 of the Madras Local Boards Act, 1920, amending rule 1 of Schedule V to that Act be approved :—

" In the said rule 1—

(i) in sub-rule (*a*)—

(*a*) in clause (i), the word 'and' at the end shall be omitted; and

(*b*) clause (ii) shall be renumbered as clause (iii) and the following shall be inserted as clause (ii), namely :—

'(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the local board, and the maintenance of the election establishment.

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections ;' and

(ii) sub-rule (*b*) shall be re-lettered as sub-rule (*c*) and the following shall be inserted as sub-rule (*b*), namely :—

'(*b*) The Local Government shall determine every year the amount of the election expenses referred to in clause (ii) of sub-rule (*a*) and their determination shall be final and binding on the local board. Such amount shall have